

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004 SEP 23 P 12:15  
CA #: 03 CV 12463 RGS

U.S. DISTRICT COURT  
DISTRICT OF MASS

GREAT NORTHERN INSURANCE CO.  
as subrogee of PHYLLIS MACNEIL,  
1000 Pillsbury Center  
Minneapolis, MN 55402  
Plaintiff

v.

INTERCITY ALARMS, INC.

20 North Main Street  
Yarmouth, MA 02664  
Defendant/Third Party Plaintiff,

v.

JOHN VOSE,  
Third Party Defendant

**DEFENDANT INTERCITY ALARMS, INC.'S MOTION  
TO AMEND SCHEDULING ORDER**

Now comes the defendant, Intercity Alarms, Inc. and moves the Court adjust the Scheduling Order to allow it to file and to be heard on a Motion for Summary Judgment. As reasons therefore, it appears that although a time for summary judgment was contemplated in the original joint scheduling report, there was no provision made at the initial scheduling hearing for a time to file summary judgment.

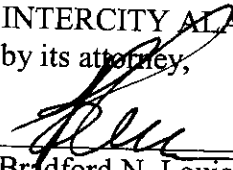
The parties are going to mediation on October 20, 2004 and the defendant still intends to mediate in good faith.

The plaintiff's subrogee's house was lost in a fire and evidence established that the fire was started by the third-party defendant John Vose or an employee of Vose who were doing renovations on the house.

The Defendant wishes to move for summary judgment or partial summary judgment on the issues of (1) whether a contract between the plaintiff and defendant contains a limitation of liability clause, and whether the clause is enforceable; (2) whether the alleged failure of the defendant alarm monitoring company to notify the fire department of a smoke alarm it did not receive was the proximate cause of the plaintiff's loss.

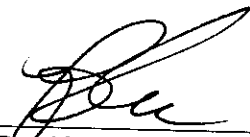
Wherefore, the defendant moves this Court to allow it until December 24, 2004 to file and/or be heard on a Motion for Summary Judgment or in the alternative any time limit that the time frame that the court allows.

The Defendant,  
INTERCITY ALARMS, INC.  
by its attorney,

  
Bradford N. Louison (BBO# 305755)  
MERRICK, LOUISON & COSTELLO,  
LLP  
67 Batterymarch Street  
Boston, MA 02110  
(617) 439-0305

**CERTIFICATE OF SERVICE**

I, Bradford N. Louison, hereby certify that on the 21<sup>st</sup> day of Sept, 2004, I served the foregoing by causing a copy to be mailed, postage prepaid, directed to Roy P. Giarrusso, Giarrusso, Norton, Cooley & McGlone, P.C., Marina Bay, 308 Victory Rd., Quincy, MA 02171; A. Richard Bailey, Cozen O'Connor, Attorneys, 1900 Market St., Philadelphia, PA 19103-3508.

  
Bradford N. Louison